

**REMARKS**

The indication of allowable subject matter in claims 5, 6, 9, 11 and 13-16 is acknowledged and appreciated. Accordingly, claims 5 and 6 have been rewritten into independent form. In view of the following remarks, it is respectfully submitted that all claims are in condition for allowance.

Claim 7 stands rejected under 35 U.S.C. § 112, second paragraph. This rejection is respectfully traversed for the following reasons. The Examiner alleges that the “transmitting side should have a wireless transmit unit.” However, the last two clauses of claim 1, from which claim 7 depended, recited in pertinent part, “as a transmitting-side configuration thereof ... a wireless transmit unit...” (similar to claims 2 and 7 as amended) so as to obviate the Examiner’s objection. It should be noted that the specification supports a transmitting-side configuration including a wireless receive unit (*see, e.g.*, Figure 10; element 0701; page 44, lines 18-19). Accordingly, it is respectfully requested that this rejection be withdrawn.

Claims 1-4, 7, 8, 10 and 12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Fitzgerald et al. ‘040 (“Fitzgerald”) in view of Shoemake et al. ‘413 (“Shoemake”). Solely in order to expedite prosecution, claims 1, 8, 10 and 12 have been canceled without prejudice/disclaimer to the subject matter embodied thereby, rendering the rejection thereagainst moot. In addition, claim 2 has been rewritten into independent form so as to be the only rejected independent claim pending. This rejection is respectfully traversed for the following reasons.

Claim 2 recites in pertinent part, “the packet length controlling unit comprises a packet length register, the packet length register capable of externally controlling the packet-length information.” The Examiner alleges that col. 3, lines 1-20 of Fitzgerald discloses the

aforementioned features. However, it is respectfully submitted that col. 3, lines 1-20 is completely silent as to a packet length register much less one which is capable of externally controlling the packet-length information. Col. 3, lines 1-20 of Fitzgerald is reprinted below to emphasis this point:

The gateways 18 operate as a transmitting gateway when encoding audio signals into audio packets and transmitting the audio packets over the packet network 16 to a receiving gateway. The gateways 18 operate as the receiving gateway when receiving audio packets over the packet network 16 and decoding the audio packets back into audio signals.

A gateway transmit path is shown in the transmitting packet gateway 20 in FIG. 2. The transmitting packet gateway 20 includes a voice encoder 22, a packetizer 24, and a transmitter 26. Voice encoder 22 implements the compression half of a codec. Packetizer 24 accepts compressed audio data from encoder 22 and formats the data into packets for transmission. The packetizer 24 receives an end-to-end delay signal 25 back from packet network 16. The end-to-end delay signal 25 is generated in various ways such as from a Real Time Protocol (RTP) report sent back from a receiving packet gateway 28 shown in FIG. 3. A transmitter 26 places the audio packets from packetizer 24 onto packet network 16.

As seen from above, col. 3, lines 1-20 discloses only functionalities of the gateways while describing a Real Time Protocol (RTP) as an external control signal. However, the RTP is completely unrelated to externally controlling *packet-length information*. Rather, the RTP functions to determine the structure of data inputted into a wireless LAN apparatus.

In this regard, it should be noted that in Fig. 1 of Applicant's drawings, for example, an RTP can determine the data length of transmit data 0101 but can not directly control the packet-length information which can be constructed at frame synthesizing unit 0107. Such a distinction emphasizes the difference between the claimed packet length register which is capable of externally controlling the packet-length information and a standard RTP used as an external control signal. Again, as noted above, the cited portion of Fitzgerald is silent as to a packet

length register let alone suggest one which is capable of externally controlling the packet-length information.

According to one aspect of the present invention which can include the claimed packet length register, it can be made possible to combine a plurality of transmit data 0101 and eventually bring about improved transmitting efficiency and higher communication quality. In addition to these effects, the ability to externally control the packet-length can make it possible to select an optimal packet length depending on the priority and currency of transmission data 0101 and other externally controlled information. Fitzgerald is silent as to such effects, let alone suggest the needed structure to realize such effects. In this regard, Fitzgerald has no disclosed need or desire for a packet length register capable of externally controlling the packet-length information, much less suggest one.

The Examiner is directed to MPEP § 2143.03 under the section entitled "All Claim Limitations Must Be Taught or Suggested," which sets forth the applicable standard for establishing obviousness under § 103:

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. (citing *In re Royka*, 180 USPQ 580 (CCPA 1974)).

In the instant case, the pending rejection does not "establish *prima facie* obviousness of [the] claimed invention" as recited in claim 2 because the proposed combination fails the "all the claim limitations" standard required under § 103.

Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Hartness International Inc. v. Simplimatic Engineering Co.*, 819 F.2d at 1100, 1108 (Fed. Cir. 1987). Accordingly, as claim 2 is patentable for the reasons set

forth above, it is respectfully submitted that all claims dependent thereon are also patentable. In addition, it is respectfully submitted that the dependent claims are patentable based on their own merits by adding novel and non-obvious features to the combination.

Based on the foregoing, it is respectfully submitted that all pending claims are patentable over the cited prior art. Accordingly, it is respectfully requested that the rejection under 35 U.S.C. § 103 be withdrawn.

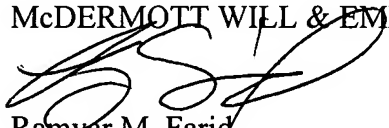
### **CONCLUSION**

Having fully responded to all matters raised in the Office Action, Applicants submit that all claims are in condition for allowance, an indication for which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

  
Ramyar M. Farid  
Registration No. 46,692

600 13<sup>th</sup> Street, N.W.  
Washington, DC 20005-3096  
Phone: 202.756.8000 RMF:MaM  
Facsimile: 202.756.8087  
**Date: May 21, 2007**

**Please recognize our Customer No. 53080  
as our correspondence address.**